

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

VANESSA JOHNSON-SHAVERS,

Plaintiff,

v.

MVM, INC.,

Defendant.

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Civil Action No. 04-666(WHW)

REPORT AND RECOMMENDATION

March 16, 2006

SUSAN D. WIGENTON, UNITED STATES MAGISTRATE JUDGE:

This matter is before the Court on Defendant MVM, Inc.'s ("Defendant") motion to dismiss this case for failure of Plaintiff Vanessa Johnson-Shavers ("Plaintiff") to prosecute. For the reasons set forth on the record on March 16, 2006, the Court, pursuant to Fed. R. Civ. P. 41(b) and the Poulis factors, recommends that this case be dismissed.

On November 30, 2005, the Court instructed Plaintiff during a case management conference to obtain new counsel by January 30, 2006. To date, no formal appearance have been entered by an attorney for Plaintiff. Further, Plaintiff failed to comply with the Court's Order dated February 6, 2006. Specifically, Plaintiff failed to appear for a case management conference on the even date. In addition, Plaintiff failed to appear for an Order to Show Cause hearing on March 16, 2006. After balancing the factors, set forth in Poulis v. State Farm Fire and Casualty Co., 747 F.2d 863, 868 (3d Cir. 1984), the Court finds that the factors weigh in favor of dismissing this case as Plaintiff failed to prosecute. Thus, dismissal of this case is hereby recommended.

S/SUSAN D. WIGENTON
UNITED STATES MAGISTRATE JUDGE

Orig: Clerk
cc: District Judge
Parties
File